

[Counsel Listed on Signature Pages]

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SHIRLEY ZELMAN, TRUSTEE F/B/O SHIRLEY
ZELMAN LIVING TRUST, on behalf of plaintiff
and all others similarly situated,

Plaintiff,

v.
JDS UNIPHASE CORPORATION, JOZEF
STRAUS, KEVIN KALKHOVEN, ANTHONY R.
MULLER and CHARLES ABBE,

Defendants.

Master File No.: C-02-4656 CW
CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER CLARIFYING DEADLINE FOR
MOTIONS TO COMPEL FACT
DISCOVERY**

1 Defendants and Plaintiff Shirley Zelman, Trustee F/B/O Shirley Zelman Living Trust, on
2 behalf of plaintiff and all others similarly situated, respectfully submit this Stipulation.

3 **WHEREAS**, on November 28, 2005, the Court issued an Order directing counsel to proceed
4 with discovery on the same schedule as *In re: JDS Uniphase Corporation Securities Litigation*, No. C-
5 02-1486;

6 **WHEREAS**, on May 18, 2006, the court in *In re: JDS Uniphase Corporation Securities
7 Litigation* issued an Order (1) setting September 29, 2006 as the fact discovery cutoff date, except for
8 depositions and other discovery arising from new information obtained at depositions, (2) setting
9 December 1, 2006 as the cutoff date of the additional period to complete depositions and conduct any
10 other discovery arising from new information obtained at the depositions, and (3) setting March 19,
11 2007 as the expert discovery cutoff date;

12 **WHEREAS**, Civil Local Rule 26-2 provides: “[w]here the Court has set separate deadlines for
13 fact and expert discovery, no motions to compel fact discovery may be filed more than 7 court days
14 after the fact discovery cut-off;”

15 **WHEREAS**, Civil Local Rule 26-2 provides that “discovery cut-off,” as used in the Rule,
16 means “the date by which all responses to written discovery are due and by which all depositions must
17 be concluded;”

18 **WHEREAS**, the various discovery cutoff dates create ambiguity as to Defendants’ deadline for
19 filing motions to compel further responses to written discovery;

20 **NOW THEREFORE**, the parties hereby stipulate and agree to the following:

21 1. Plaintiff shall submit supplemental responses to Defendant Kevin Kalkhoven’s First Set
22 of Interrogatories to Plaintiff on or before November 22, 2006; and
23 2. Any motion to compel fact discovery must be filed by December 12, 2006.

24 **IT IS SO STIPULATED AND AGREED.**

DATED: October 10, 2006

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Howard S. Caro

Attorneys for Defendant
KEVIN KALKHOVEN

DATED: October 10, 2006

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Attorneys for Defendants
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1 DATED: October 10, 2006

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3 * With Express Authorization
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6 --and--
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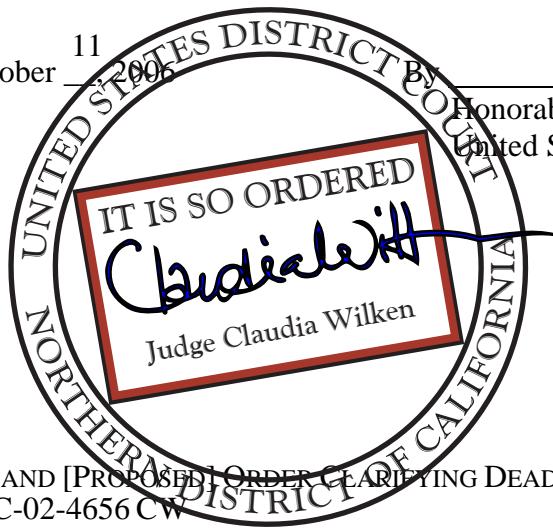
22 By /s/ IRA M. PRESS*
23 Ira M. Press

24 Attorneys for Plaintiffs
25 SHIRLEY ZELMAN, TRUSTEE F/B/O
26 SHIRLEY ZELMAN LIVING TRUST, on behalf
27 of plaintiff and all others similarly situated
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: October 11, 2006

23 By Honorable ELIZABETH D. LAPORTE
24 United States Magistrate Judge



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28 STIPULATION AND [PROPOSED] ORDER CLARIFYING DEADLINE FOR MOTIONS TO COMPEL FACT
DISCOVERY: C-02-4656 CW

1 I, Howard S. Caro, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Clarifying Deadline for Motions to Compel Fact Discovery. In
3 Compliance with General Order 45, X.B., I hereby attest that Philip T. Besirof and Ira M. Press have
4 concurred in this filing.

5 DATED: October 10, 2006

HELLER EHRMAN LLP

8 By /s/ HOWARD S. CARO
Howard S. Caro

9
10 Attorneys for Defendant
KEVIN KALKHOVEN